

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

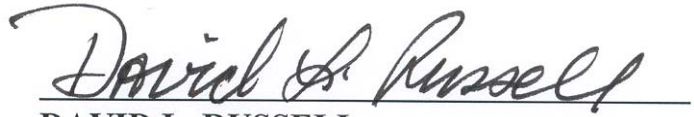
RANDY RAY JOLLIFF,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-18-486-R
)	
STATE OF OKLAHOMA, et al.,)	
)	
Defendants.)	

ORDER

Before the Court is the Report and Recommendation of United States Magistrate Judge Shon T. Erwin, entered on January 13, 2020, wherein he recommends that this action be dismissed for failure to prosecute. (Doc.No. 45). The record reflects that Plaintiff has not objected to the Report and Recommendation within the time limits prescribed nor sought an extension of time in which to object. Accordingly, and for the reasons set forth in the Report and Recommendation, including Plaintiff's failure to timely file his Amended Complaint, this action is DISMISSED WITHOUT PREJUDICE.¹

¹ The Court previously dismissed this action on April 5, 2019, because Plaintiff failed to file an Amended Complaint in accordance with the Court's earlier orders. (Doc.No. 31). The dismissal was vacated on May 20, 2019, after receipt of Plaintiff's Motion for Extension of Time, wherein he indicated that he had been very ill and hospitalized and had also been transferred, making compliance with the Court's prior orders difficult. (Doc.No. 36). The court granted Plaintiff until July 20, 2019 to file his Amended Complaint, which Plaintiff failed to do, prompting the Court to again dismiss the action without prejudice. (Doc.No. 37). Thereafter Plaintiff filed a Motion to Reopen, indicating that he had been hospitalized and had not received the Court's prior Order granting him until July 20, 2019 to amend his complaint. The Court granted Plaintiff forty-five days to file his Amended Complaint, a deadline Plaintiff sought to have extended via motion dated October 7, 2019. (Doc.No. 41, seeking extension of time, but not indicating how much additional time was needed). Judge Erwin granted Plaintiff until December 4, 2019, informing him that no additional extensions were contemplated. (Doc.No. 42). On October 24, 2019, Plaintiff sought to clarify his prior request, indicating that he had intended to seek a 180-day extension of the deadline for amending his complaint. (Doc.No. 43). Judge Erwin denied the motion on November 19, 2019 and reiterated the December 4, 2019 deadline. (Doc.No. 44). On January 13, 2020, having not received an Amended Complaint, Judge Erwin entered the Report and Recommendation currently at issue.

IT IS SO ORDERED this 4th day of February 2020.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE